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PROVISIONAL AGENDA, ANNOTATIONS THERETO AND SCHEDULING OF MEETINGS OF THE TWENTY-NINTH SESSION

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-ninth session will be held at the United Nations Headquarters, New York from 28 May to 14 June 1996. The session will be opened on Tuesday, 28 May 1996, at 10:30 a.m. The Commission is composed of the following member States: Algeria, Argentina, Australia, Austria, Botswana, Brazil, Bulgaria, Cameroon, Chile, China, Ecuador, Egypt, Finland, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Uruguay. In addition, States not members of the Commission may attend as observers and participat in the deliberations.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, fo each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

It is suggested that all items be considered in plenary.

Item 4. International commercial arbitration: draft Notes on Organizing Arbitral Proceedings

The purpose of the project, decided upon by the Commission at its twenty-sixth session in 1993 (A/48/17, paras. 291-296), is to prepare an annotated list of questions that may arise during arbitral proceedings and on which appropriately timed decisions may be useful. The text is designed to be used by arbitration practitioners in organizing arbitral proceedings. The following drafts have so far been discussed by the Commission: in 1994, "draft Guidelines for Preparatory Conferences in Arbitral Proceedings" (document A/CN.9/396/Add.1; report: A/49/17, paras. 111-195); in 1995, "draft Notes on Organizing Arbitral Proceedings" (document A/CN.9/410; report: A/50/17, paras. 314-373). The Commission will have before it a revision of the draft Notes on Organizing Arbitral Proceedings (document A/CN.9/423).

Item 5. Electronic data interchange: draft Model Law; possible future work

A. Draft Model Law and Guide to Enactment

At its twenty-fifth session (1992), the Commission entrusted the preparation of legal rules on electronic data interchange (EDI) to the Working Group on International Payments, which it renamed the Working Group on Electronic Data Interchange (A/47/17, para. 147). The Working Group devoted its twenty-fifth to twenty-eighth sessions to the preparation of those legal rules in the form o a draft model law. The twenty-ninth session of the Working Group was devoted to the preparation c

a guide to assist States in enacting and applying the draft Model Law. The Secretariat was requested to prepare a revised version of that draft Guide to Enactment (A/CN.9/407, para. 14).

The Commission, at its twenty-eighth session (1995), had before it the text of the draft Model Law contained in the annex to the report of the Working Group on the work of its twenty-eighth session (A/CN.9/406), together with a compilation of comments by Governments and interested international organizations on that draft text (A/CN.9/409 and Adds.1 to 4). The Commission considered and adopted draft articles 1 and 3 to 11. With a view to finalizing the text of the Model Law and adopting the Guide to Enactment at the current session, the Commission may wish to complete its deliberations by discussing draft articles 2 and 12 to 14 and the revised text of the draft Guide to Enactment that will be placed before it by the Secretariat (A/CN.9/426).

In addition, the Commission will have before it the report of the Working Group on the work of its thirtieth session (A/CN.9/421). At that session (Vienna, 26 February-8 March 1996), the Working Group adopted the text of draft provisions dealing with specific issues of contracts of carriage of goods involving data messages. The Commission may wish to consider those draft provisions, contained in the annex to the report of the Working Group on the work of thirtieth session, for final review and possible addition to the Model Law.

B. Future work

At its thirtieth session, the Working Group had a preliminary discussion of issues possibly to be included by the Commission in its programme of future work. In the area of transport law, items suggested for consideration by the Commission included the preparation of uniform law on issues such as: the functioning of bills of lading and sea-way bills and the relation of those transport documents to the rights and obligations between the seller and the buyer of the goods; negotiability and non-negotiability of transport documents; title to goods; retention of title; right of control of goods including the right to stop goods during transit; and rights of security created by the transfer of transport documents. With respect to issues concerning exclusively EDI, items suggested by the Working Group for possible future work included: issues of registries, certification authorities and information service providers; incorporation by reference; and review of existing international conventions (see A/CN.9/421, paras. 104-119).

Item 6. Build-operate-transfer (BOT) projects

The Commission considered at its twenty-eighth session, in 1995, a note on possible future work on build-operate-transfer (BOT) projects (A/CN.9/414; report: A/50/17, paras. 394-400). Pursuant to the request of the Commission made at that session (A/50/17, para. 400), the Secretariat is presenting at the current session a note on issues for possible future work in this area (document A/CN.9/424).

Item 7. Receivables financing: assignment of receivables

The Commission, at its twenty-eighth session, in 1995, decided that work on a uniform law on assignment in receivables financing should be undertaken (A/50/17, paras. 374-381). The Working Group on International Contract Practices commenced its work at its twenty-fourth session, which was held from 13 to 24 November 1996 at Vienna, by reviewing a number of draft uniform rules on assignment contained in document A/CN.9/412. At the conclusion of the session, the Working

Group requested the Secretariat to prepare a revised version of the draft uniform rules on the basis of the deliberations and decisions of the Working Group. The Commission will have before it the report of the Working Group (A/CN.9/420).

Item 8. Cross-border insolvency

Pursuant to a decision by the Commission at the twenty-eighth session, in 1995, the Working Group on Insolvency Law, which prior to that decision worked under the title of Working Group on the New International Economic Order, has undertaken work on judicial cooperation, court access for foreign insolvency representatives and recognition of foreign insolvency proceedings in the context of cross-border insolvencies. The Working Group held its eighteenth session from 30 October to 10 November 1995 at Vienna and will hold its nineteenth session from 1 to 12 April 1996 in New York, both devoted to a discussion of issues and draft provisions of a possible legislative text in this area. The reports of those sessions will be before the Commission (A/CN.9/419 and A/CN.9/422).

Item 9. Monitoring of implementation of 1958 New York Convention

The Commission, at its twenty-eighth session in 1995, approved the project, undertaken jointly with Committee D of the International Bar Association, aimed at monitoring the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (report: A/50/17, paras. 401-404). Stressing that the purpose of the project was not to monitor individual court decisions applying the Convention, the Commission called upon the States parties to the Convention to send to the Secretariat the laws dealing with the recognition and enforcement of foreign arbitral awards. In November 1995, the Secretariat sent to the States parties a questionnaire relating to the legal regime governing the recognition and enforcement of foreign awards, prepared in cooperation with Committee D of the International Bar Association. By 13 March 1996, the Secretariat received 18 replies, and has repeated its request to the States for the relevant information. The Commission will have before it a progress report by the Secretariat (A/CN.9/425).

Item 10. Case law on UNCITRAL texts (CLOUT)

Based on a decision by the Commission at its twenty-first session, in 1988 (A/43/17, paras. 98-109), the Secretariat established a system for collecting, and disseminating information on, court decisions and arbitral awards relating to normative texts emanating from the work of the Commission. The system relies on National Correspondents designated by the States adhering to an UNCITRAL Convention or having enacted legislation based on an UNCITRAL Model Law. The features of that system are explained in the User Guide (A/CN.9/SER.C/GUIDE/1). Abstracts of court decisions relating to the United Nations Sales Convention and the UNCITRAL Model Arbitration Law are contained in documents A/CN.9/SER.C/ABSTRACTS/1 to 8. A thesaurus of the Sales Convention and an index of cases applying the Sales Convention are contained in documents A/CN.9/SER.C/INDEX/1 and A/CN.9/SER.C/INDEX/2 respectively.

Item 11. Training and assistance

The Commission will have before it a note by the Secretariat on this subject (A/CN.9/427).

Item 12. Status and promotion of UNCITRAL legal texts

The Commission will have before it a note by the Secretariat (A/CN.9/428) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); United Nations Convention on Contracts for the International Sales of Goods (Vienna, 1980); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988); United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 1991); Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); UNCITRAL Model Law on International Commercial Arbitration and UNCITRAL Model Law on Procurement of Goods, Construction and Services.

Item 13. General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolution 50/47 of 11 December 1995 on the report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session and 50/48 of 11 December 1995 on the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit. Copies of the resolutions and the report of the Sixth Committee (A/50/640 and Corr.1) will be made available at the session.

Item 14. Other business

The Commission will have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/429).

The Secretariat will present an oral report about the third competition of the Willem C. Vis International Commercial Arbitration Moot.

Item 15. Date and place of future meetings

(a) Thirtieth session

The thirtieth session will be held at Vienna. Arrangements have been made for the session to be held from 7 to 25 April 1997. As the Secretariat will suggest orally, the first week of that session (i.e. 7-11 April) could be devoted to discussing questions of information, interpretation and implementation of uniform commercial law in the context of a special colloquium.

(b) Session of Working Groups

(i) Working Group on Electronic Data Interchange

The thirty-first session of the Working Group will be held in New York from 18 to 28 February 1997.

(ii) Working Group on International Contract Practices

The twenty-fifth session of the Working Group will be held in New York from 8 to 19 July 1996 and the twenty-sixth session at Vienna from 11 to 22 November 1996.

(iii) Working Group on Insolvency Law

The twentieth session of the Working Group will be held at Vienna from 7 to 18 October 1996 and the twenty-first session in New York from 20 to 31 January 1997.

Item 16. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, para. 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by the Chairman.

III. SCHEDULING OF MEETINGS

There will be 12 working days available for consideration of the agenda items at the session. The Secretariat would recommend that the agenda items be taken up in numerical order and that the Commission anticipate devoting the first day, i.e. Tuesday, 28 May (after items 1 to 3) to agenda item 4; the next seven days, i.e. Wednesday, 29 May to Thursday, 6 June, to item 5; and the following two days, i.e. Friday, 7 and Monday, 10 June, to item 6. Items 7 to 15 would then be considered during Tuesday, 11 June and Wednesday, 12 June. No meeting will be scheduled for Thursday, 13 June, to enable the Secretariat to prepare the draft report. Friday, 14 June, will be reserved for the adoption of the report.

Meeting hours will be from 10.00 to 13.00 and 15.00 to 18.00, except on Tuesday, 28 May, when the meeting will commence at 10.30.

IV. MEETING OF NATIONAL CORRESPONDENTS

Since the twenty-second session of the Commission it has become customary to hold, in conjunction with Commission sessions, meetings of the National Correspondents for the case collection system referred to under agenda item 10. It is planned that the National Correspondents will meet on Thursday, 13 June, when no meeting of the Commission has been scheduled, and possibly on Friday, 14 June, after the adoption of the report by the Commission. Further information concerning the scheduling of the meeting of National Correspondents will be communicated during the session.

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